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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,568	10/31/2003	Lawrence W. Osterman	MS306051.1/MSFTP506US	1108
27195 7590 02/17/2009 AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER PHAN, TUANKHANH D	
			ART UNIT	PAPER NUMBER
			2163	
			NOTIFICATION DATE	DELIVERY MODE
			02/17/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/698,568	<b>Applicant(s)</b> OSTERMAN, LAWRENCE W.	
	<b>Examiner</b> TUAN-KHANH PHAN	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 9, 11-14, 16 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9, 11-14, 16 and 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

The Request for Continued Examination, filed 4/3/2008, has been entered and acknowledged by the Examiner. Claims 1-6, 8-9, 11-14, 16 and 26-32 are pending.

Rejection of claim 1 under 35 USC 112 has been withdrawn.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6, 8-9, 11-14, 16 and 26-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-9, 11-14, 16 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdelaziz et al. (US Pat. 7,197,565), hereinafter Abdelaziz, in view of Chen et al. (US Pat. 7,325,072).

Regarding claims 1 and 26, Abdelaziz discloses a computer-implemented system that facilitates determining presence of an object, comprising:

a transmit component (Figure 15, “200A”) that transmits a multicast-type message as a unicast message (Figure 15, “234”; i.e. **discovery other objects by using a unicast, multicast and/or combination type message**, col. 28, lines 15-23) to the object (Figure 15, “200B”), the object having a timeout period (col. 50, lines 5-15) and a plurality of functions capable of independent presence indication associated (i.e. **information protocol provides its functions/capabilities and presence status**, Col. 82, line 62-col. 83, line 4) therewith, the multicast-type message directed to a first set of one or more of the plurality of functions, the multicast-type message is of a type that normally sent as a multicast datagram (Col. 82, line 62-col. 83, line 4); and

a presence component that monitors a response to the unicast message from the object, and if a response is not received (col. 88, lines 5-30; col. 23, lines 55-61; **if a NACK or no response is received, it is either inactive, off-line or not in existence**), the object is presumed to be off-line with respect to the first set of one or more of the plurality of functions (Figure 16, “238”), the object is presumed to be on-line with respect to a second set of one or more of the plurality of functions (Figure 16, “238”), and the response is similar to that for a multicast message to the object (**response is received**, col. 88, lines 10-14); and

a processor configured to execute the transmit and presence components (Figure 1A, i.e. **a device having a processor to execute**).

Abdelaziz discloses a combination of multicast and unicast, but does not explicitly disclose a multicast-type message as a unicast message. However, in the

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same field of endeavor, Chen et al. discloses transmitting a multicast-type message as a unicast message (col. 3, lines 9 and 39)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate disclosure of Chen et al. into the disclosure of Abdelaziz to effectively utilize the proxy sending/receiving identity and supporting multicast relay service to reduce the lost of data.

Regarding claim 2, Abdelaziz and Chen et al. disclose the system of claim 1, Abdelaziz further discloses the object is at least one of a wired device, a wireless device, and a service (Col. 6, lines 30-40).

Regarding claim 3, Abdelaziz and Chen et al. disclose the system of claim 1, Abdelaziz further discloses the multicast-type message is transmitted in unicast at least once before the timeout period expires (i.e. **time-to-live is associated upon sending the message, thus at least one message is sent with a time indicator**, col. 50, lines 5-12).

Regarding claim 4, Abdelaziz and Chen et al. disclose the system of claim 1, Abdelaziz further discloses a plurality of the multicast-type messages is transmitted in unicast to the object to control the object (Figure 15).

Regarding claim 5, Abdelaziz and Chen et al. disclose the system of claim 4, Abdelaziz further discloses the plurality of multicast-type messages signal the object to stay online (col. 64, lines 49-52).

Regarding claims 6 and 18, Abdelaziz and Chen et al. disclose the system of claims 1 and 17, Abdelaziz further discloses at least one of the transmit component and

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the presence component is part of a client application that transmits the multicast-type message in unicast and receives the response in unicast from the object (col. 6, lines 46-61).

Regarding claim 8, Abdelaziz and Chen et al. disclose the system of claim 1, Abdelaziz further discloses the unicast response is cached at the system-end (col. 135, lines 10-21; col. 30, lines 30-36).

Regarding claim 9, Abdelaziz and Chen et al. disclose the system of claim 1, Abdelaziz further discloses the multicast-type message is directed to at least one of the object (i.e. at least one peer needs to be alive to receive and response to the request; col. 25, lines 40-50), an embedded device of the object, and an embedded service of the object (col. 19, lines 56-67).

Regarding claims 11 and 21, Abdelaziz and Chen et al. disclose the system of claims 1 and 17, Abdelaziz further discloses the object is compatible with a plug-and-play architecture (col. 41, lines 42-50).

Regarding claim 12, Abdelaziz and Chen et al. disclose the system of claim 1, Abdelaziz further discloses the transmit component transmits a plurality of unique multicast-type messages in unicast to a respective plurality of the objects (i.e. sending message requests for different services to difference peers, abstract).

Regarding claim 13, Abdelaziz and Chen et al. disclose the system of claim 1, Abdelaziz further discloses the transmit component transmits a first multicast-type message in unicast to an intermediate device (Figure 1B, internet server acts as an

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intermediate device) to determine its status before transmitting the multicast-type message in unicast to the object (Figure 1B).

Regarding claim 14, Abdelaziz and Chen et al. disclose the system of claim 1, Abdelaziz further discloses the multicast-type message is transmitted in unicast to the object from a first client application (i.e. sending between requesting peer-unicast message, col. 83, lines 5-10), the response to which indicates a status of the object, and the status of which is announced by the first client application to a second client application (i.e. responding to the message include information on the status, col. 83, lines 5-21).

Regarding claim 16, Abdelaziz and Chen et al. disclose a computer readable medium having stored thereon computer executable instructions (col. 101, lines 7-20) for carrying out the system of claim 1.

Regarding claim 27, Abdelaziz and Chen et al. disclose the system of claim 26, further comprising delaying determination of the status of the object until a predetermined number of additional multicast-type messages have been transmitted to the object in unicast (col. 70, lines 38-48).

Regarding claims 28 and 29, Abdelaziz and Chen et al. disclose the method of claim 26, Abdelaziz further discloses comprising initiating discovery of an intermediary object in response to determining initially that the object is off-line (col. 69, line 63-col. 70, line 7).

Regarding claim 30, Abdelaziz and Chen et al. disclose the system of claim 26, Abdelaziz further discloses the object is one of a plurality of interdependent objects

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such that failure of the object results in failure of the remaining plurality of interdependent objects (abstract; may serve as a client of or a server to the other devices, Figure 1A).

Regarding claim 31, Abdelaziz and Chen et al. disclose the system of claim 30, Abdelaziz further discloses plurality of interdependent objects are discovered according to a hierarchy such that the object is discovered before the remaining plurality of interdependent objects (col. 35, lines 55-58).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN-KHANH PHAN whose telephone number is (571)270-3047. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TKP

/Hung T Vy/

Primary Examiner, Art Unit 2163